

### **REMARKS**

In the present application, claims 1-9, 11-21 and 23-28 are pending. Claims 1-9, 11-21 and 23-28 are rejected. Claims 1 and 13 are amended herein. Claims 1-9, 11-21 and 23-28 are believed to be in condition for allowance.

#### **Claim Rejections – 35 USC § 103**

The Examiner rejected claims 1-2, 4-5, 9, 11-14, 16-17, 21 and 23-28 as being unpatentable over Brennan et al. (U.S. 5,329,578) in view of Fuller et al. (U.S. 6,185,283) hereinafter referred to as Brennan and Fuller.

With respect to claim 1, the Examiner asserted that Brennan teaches various recited elements of the claim. The Examiner further asserted that “Brennan differs from the claimed invention in that it does not teach a system for modifying the user-specified profile based upon a location of the user. However, Fuller teaches the recited feature that shown in column 12, ln 20-col. 13, ln 49 wherein a call recipient subscriber may have option to choose a visited factory or client as a location where an incoming call should be directed to him by reprogramming his record or profile. For example, from 8 am to 11 am, the incoming call is supposedly direct to his office telephone number in accordance with his record or profile. However, based on location where he desires to visit in such time interval, a telephone number associated with visited location is used for receiving the incoming call instead of the office telephone number. In other words, this incoming call handling profiled is changed or modified depending on where the call recipient subscriber desires to visit. Therefore, integrating Fuller’s teachings into communication system of Brennan would have been obvious for providing the call recipient subscriber more freedom to travel wherever he wishes without missing calls directed to him.”

While Applicants generally agree with the Examiner’s assertions regarding the teachings of Fuller, Applicants respectfully disagree with Examiner’s application of the teachings to the recited claim elements. Specifically, Applicants assert that Fuller does not teach or otherwise disclose a telephone system including a means for modifying the user-specified profile in response to a location of the user.

Claim 1 recites, in relevant part, “the telephone system includes means for applying the user-specified profile and for modifying the user-specified profile **in response to a**

location of the user.” (emphasis added) Applicants note that the verbiage “based upon” has been amended to read “in response to” to more clearly state the claimed element. Support for this amendment can be found, at least, at page 10, third full paragraph, of the specification. No new matter has been added. The Examiner is correct when noting that Fuller discloses that “a call recipient subscriber may have option to choose ... a location where an incoming call should be directed to him by reprogramming his record or profile.” Similarly, the Examiner is correct in noting that “In other words, this incoming call handling profiled is changed or modified depending on where the call recipient subscriber desires to visit.” As these two assertions make clear, Fuller discloses a profile that is **reprogrammed by a recipient** subscriber and is changed **depending on where the subscriber desires to visit**.

In contrast, claim 1 recites that it is the telephone system that includes the means for modifying the user-specified profile. It is therefore recited that the telephone system modifies the user-specified profile, not a recipient subscriber. In addition, claim 1 recites that the user-specified profile is modified in response “a location of the user”. Fuller does not disclose modifying a profile in response to the location of the user. Rather, Fuller discloses modifying a profile depending on an alternative location, specifically, “where the subscriber desires to visit”.

Applicants note that Fuller does disclose, at col. 15, lines 57-64:

The Telephone Control System 1 then **changes the method of call handling for this subscriber to the default mode**, which may typically be message center mode. It should be obvious now that if the subscriber were to reenter room 13, or to enter another room with a similar ultrasonic transmitter, that a similar sequence of events would occur causing the calls for this subscriber to be routed to the appropriate room. In this way, without any specific action or effort on the part of the subscriber, his calls will follow him from location to location and be handled automatically and properly.

As is evident, Fuller teaches changing a subscriber’s method of call handling to a default mode and back again so that “his calls will follow him from location to location and be handled automatically and properly”. Fuller does not teach a telephone system means for **modifying** the user-specified profile in response to a location of the user as claimed.

As a result of these deficiencies in the individual teachings of Brennan and Fuller, the

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combination of Brennan and Fuller, such a combination neither suggested nor deemed appropriate, similarly fails to teach the elements of claim 1. As a result, claim 1 is in condition for allowance. As claim 13 recites elements similar to those discussed with reference to claim 1 above, claim 13 is likewise in condition for allowance. As claims 2, 4-5, 9, 11-14, 16-17, 21, and 23 depend upon claims 1 and 13, they are likewise in condition for allowance.

With regards to claim 24, there is specifically recited the action of "automatically modifying the profile based upon a location of the user". As discussed above, Fuller discloses a profile that is reprogrammed by a recipient subscriber. In contrast, claim 24 recites a program that automatically modifies the profile. For this reason alone claim 24 is in condition for allowance. Claim 26 is likewise in condition for allowance for the same reason as discussed with reference to claim 24. As claims 25 and 27-28 depend upon claims 24 and 26, they are likewise in condition for allowance.

The Examiner rejected claims 3, 6-8, 15 and 18-20 as being unpatentable over Brennan in view of Fuller and further in view of Shaffer et al. (6,600,817), hereinafter referred to as Shaffer. Specifically, the Examiner asserted that "The integrated system of Brennan and Fuller fails to teach the limitations of claims 3, 6-8, 15 and 18-20. However, Shaffer teaches the recited limitations substantially as claimed . . .".

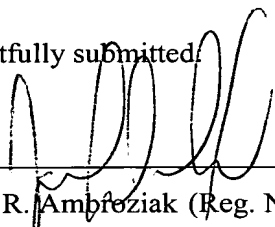
Neither Brennan nor Fuller nor Shaffer, taken alone or in combination, such a combination being neither suggested nor deemed appropriate, teach or suggest a telephone system wherein the telephone system modifies the user specified profile in response to a location of the user as recited in independent claims 1 and 13. As a result, as claims 3, 6-8, 15, and 18-20 depend upon claims 1 and 13, they are likewise in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

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